

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

ASSOCIATION OF AMERICAN UNIVERSITIES,  
*et al.*

Plaintiffs,

V.

NATIONAL SCIENCE FOUNDATION, *et al.*,

Defendants.

Case No. 1:25-cv-11231-IT

## **DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

On May 2, 2025, the National Science Foundation (“NSF”) issued a forward-looking policy to achieve a longstanding goal across Administrations: to establish new grant terms that rein in spending on administrative overhead, which has increasingly displaced NSF’s ability to fund direct scientific research. *See* Decl. of Janis Coughlin-Piester, Exh. 1, Doc. No. 61-1 (the “Policy”). Plaintiffs—Institutions of Higher Education (“IHEs”) and IHE associations—brought this action to challenge the lawfulness of the Policy, requesting vacatur, declaratory judgment, and injunctive relief. Compl., Doc. No. 1 at 28–38.

Pursuant to Federal Rule of Civil Procedure 56 and the Court’s order dated May 14, 2025 (Doc. No. 48), Defendants respectfully ask the Court to grant summary judgment for Defendants with respect to all of Plaintiffs’ claims. As discussed in the accompanying memorandum of law, Doc. No. 62, summary judgment is warranted for three independent reasons. First, the Court lacks jurisdiction over the claims because Plaintiffs have not shown that they have standing to sue. Second, the Court lacks jurisdiction over the claims because NSF’s grant-related decisions are committed to discretion by law and not reviewable under the Administrative Procedure Act. And

third, the Policy issued by NSF is lawful. The Policy is authorized by NSF's organic statute, is additionally authorized by 41 U.S.C. § 4708, and is reasonable and is supported by a reasoned explanation.

For these reasons, as set forth in the accompanying memorandum of law, Defendants respectfully request that the Court grant Defendants' Motion for Summary Judgment.

Dated: May 27, 2025

Respectfully submitted:

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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Dated: May 27, 2025

/s/ Bethany R. Theriot  
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